

**Notice of Allowability**

Application No.

09/717,241

Examiner

Ian N. Moore

Applicant(s)

PATHAK ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/15/2005.
2. ☒ The allowed claim(s) is/are 4, 5, 7-15, 18-23, 71-77, 80-93, 95-118, 121-130, and 133-149 which have been renumbered as 1-89.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/3/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Gromada on September 27, 2005.

The brief summary of the interview and the applicant statement is as follows:

**The applicant states** "Applicants note with appreciation that the Examiner has previously indicated that Claims 88-108 are allowed. Applicants further note with appreciation Examiner's previous indication that dependent Claims 17, 18, 79, 86, 120, and 127 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Each of Claims 4, 5, 8, 11, 20, 22, 71, 73, 80, 81, 87, 92, 93, 95, 97, 109, 111, 115, and 128 has been amended such that each now depends from independent Claim 88. In addition, each of newly added Claims 133-149 depends from independent Claim 88. Accordingly, in light of Examiner's previous indication that Claim 88 has been allowed, Applicants submit that these dependent claims are also allowable. In addition, Applicants have cancelled each of independent Claims 1, 24, 47, 58, and 68.

Independent Claim 129 recites all limitations of dependent Claims 18, 22, and 23, as well as all limitations of independent Claim 1. Accordingly, independent Claim 129 is now equivalent to Claim 18 rewritten in independent form, including all limitations of the base claim

and any intervening claims. In view of the Examiner's indication that Claim 18 would be allowable if so rewritten, Applicants submit that independent Claim 129 is allowable.

Independent Claim 130 recites all limitations of dependent Claims 81, 83, and 86, as well as all limitations of independent Claim 68. Accordingly, independent Claim 130 is now equivalent to Claim 86 rewritten in independent form, including all limitations of the base claim and any intervening claims. In view of the Examiner's indication that Claim 86 would be allowable if so rewritten, Applicants submit that independent Claim 130 is allowable."

**Accordingly, the application has been amended as follows:**

- Claim 1 has been canceled.
- Claim 4, line 1, "**claim 1**" has been replaced with -- **claim 91** --
- Claim 5, line 1, "**claim 1**" has been replaced with -- **claim 4** --
- Claim 5, line 2-3, "**both at least one QoS level required for said connection and**" between "determines" and "at least" has been removed.
- Claim 8, line 1, "**claim 1**" has been replaced with -- **claim 91** --
- Claim 11, line 1, "**claim 1**" has been replaced with -- **claim 91** --
- Claim 12, line 1, "**data communication port**" has been replaced with -- **said data communication port** --
- Claim 14, line 1, "**said data port**" has been replaced with -- **said data communication port** --
- Claim 15, line 2, "**a data port**" has been replaced with -- **a telephony data port** --
- Claim 20, line 1, "**claim 1**" has been replaced with -- **claim 91** --
- Claim 22, line 1, "**claim 1**" has been replaced with -- **claim 91** --

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- Claims 24-70 have been canceled.
- Claim 71, line 1, “**claim 68**” has been replaced with -- **claim 93** --
- Claim 73, line 1, “**claim 68**” has been replaced with -- **claim 93** --
- Claim 74, line 2, “**data communication port**” has been replaced with -- **said data communication port** --
- Claim 76, line 2, “**said data port**” has been replaced with -- **said data communication port** --
- Claim 77, line 2, “**a data port**” has been replaced with -- **a telephony data port** --
- Claim 80, line 1, “**claim 68**” has been replaced with -- **claim 93** --
- Claim 81, line 1, “**claim 68**” has been replaced with -- **claim 93** --
- Claim 87, line 1, “**subscriber station**” has been replaced with -- **wireless local loop system** --
- Claim 87, line 2, “**claim 68**” has been replaced with -- **claim 77** --
- Claim 87, line 3, “**modulated in the voice band**” has been inserted between “communications” and “at said”.
- Claim 88, line 8, “**said system**” has been replaced with -- **said wireless local loop system** --
- Claim 90, line 2, “**determines both a required data rate and**” has been replaced with -- **further determines** --
- Claim 92, line 1, “**claim 89**” has been replaced with -- **claim 88** --
- Claim 93, line 1, “**claim 89**” has been replaced with -- **claim 92** --

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- Claim 93, line 2-3, “**both at least one QoS level required for said connection and**” has been removed between “determines” and “at least”.
- Claim 94 is canceled.
- Claim 95, line 1, “**claim 89**” has been replaced with -- **claim 88** --
- Claim 97, line 1, “**claim 89**” has been replaced with -- **claim 88** --
- Claim 98, line 2, “**data communication port**” has been replaced with -- **said data communication port** --
- Claim 100, line 2, “**said data port**” has been replaced with -- **said data communication port** --
- Claim 101, line 2, “**a data port**” has been replaced with -- **a telephony data port** --
- Claim 109, line 1, “**claim 68**” has been replaced with -- **claim 93** --
- Claim 110, line 2-3, “**and a desired data rate**” has been removed between “a required data rate” and “from said request”.
- Claim 111, line 1-2, “**claim 110**” has been replaced with -- **claim 148** --
- Claim 115, line 2, “**data communication port**” has been replaced with -- **said data communication port** --
- Claim 117, line 2, “**said data port**” has been replaced with -- **said data communication port** --
- Claim 118, line 2, “**a data port**” has been replaced with -- **a telephony data port** --
- Claims 119-120 have been canceled.
- Claim 128, line 1, “**subscriber station**” has been replaced with -- **wireless local loop system** --

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- Claim 128, line 2, “**claim 109**” has been replaced with -- **claim 118** --
- Claim 128, line 3, “**modulated in the voice band**” has been inserted between “communications” and “at said”.
- Claim 129, line 8, “**said system**” has been replaced with -- **said local loop system** --
- Claim 129, lines 18-24, “**; and a prioritization table for at least one of said plurality of subscriber stations, and at least one of said subscriber utilization client in said subscriber station and said network utilization manager employing said prioritization table when assigning capacity to said at least one subscriber communications port in said at least one subscriber station, wherein information in said prioritization table is downloaded to said subscriber station from said base station**” have been removed after “said desired rate”.
- Claim 130, line 8, “**said system**” has been replaced with -- **said local loop system** --
- Claims 131-132 have been canceled.
- Claims 133-149 have been added as follows:

133. (New) The wireless local loop system as claimed in claim 90, wherein said base station is connected to a public switched telephone network via a PSTN gateway.

134. (New) The wireless local loop system as claimed in claim 133 wherein said base station is connected to said PSTN gateway via a backhaul connection.

135. (New) The wireless local loop system as claimed in claim 90 wherein at least one of said at least two subscriber communications ports comprises a data communication port.

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136. (New) The wireless local loop system as claimed in claim 135, wherein said data communication port comprises an Ethernet port.

137. (New) The wireless local loop system as claimed in claim 135, wherein said data communication port comprises a radio port for communication with radio-enabled devices adjacent said subscriber station.

138. (New) The wireless local loop system of claim 135 comprising at least two telephony ports in addition to said data communication port.

139. (New) The wireless local loop system of claim 138 wherein one of said at least two telephony ports comprises a telephony data port for data modulated in the voice band.

140. (New) The wireless local loop system as claimed in claim 139 wherein said subscriber station distinguishes between voice communications and facsimile or data communications modulated in the voice band at said telephony port.

141. (New) The wireless local loop system as claimed in claim 90 including at least two base stations and wherein said network utilization manager is implemented in a distributed manner on at least two of said at least two base stations.

142. (New) The wireless local loop system as claimed in claim 90 wherein said communication system comprises a router.

143. (New) The wireless local loop system as claimed in claim 142 wherein said base station comprises at least two sectors, each sector including an antenna, a radio, a

modem, and wherein said antenna is directional to define a reception footprint for each respective sector substantially different from the reception footprint of each other sector, each sector communicating with said router, and wherein said network utilization manager manages and assigns resources on a per sector basis.

144. (New) The wireless local loop system as claimed in claim 142 wherein said communication system further comprises a switch.

145. (New) The wireless local loop system as claimed in claim 144, wherein said switch and router in said base station are connected to a packet network via a backhaul connection.

146. (New) The wireless local loop system as claimed in claim 145 and further including at least one network management center connected to said at least one base station via said backhaul, said network utilization manager being implemented in a distributed manner on said network management center and said at least one base station.

147. (New) The wireless local loop system as claimed in claim 144 wherein said switch and router are operable to establish connections between subscriber stations serviced by the same base station.

148. (New) The wireless local loop system as claimed in claim 110 wherein said network utilization manager also determines a desired data rate from said request.

149. (New) The wireless local loop system as claimed in claim 101 wherein said subscriber station distinguishes between voice communications and facsimile or data



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communications modulated in the voice band at said telephony port.

*Allowable Subject Matter*

2. Claims 4,5,7-15,18-23,71-77,80-93,95-118,121-130, and 133-149 are allowed.

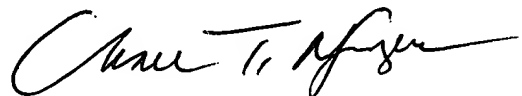
*Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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10/3/05



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